

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

DOVID BENDER,

Plaintiff,

vs.

**EOS CCA, INC., A PROFESSIONAL
COLLECTION AGENCY AND JOHN
DOES 1-25,**

Defendant.

Civil Action No.

NOTICE OF REMOVAL

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. § 1441(b) and 28 U.S.C. § 1331, Defendant, EOS CCA, by and through its counsel, Marshall Dennehey Warner Coleman & Goggin, P.C., hereby removes the action entitled Dovid Bender v. EOS CCA, Inc., A Professional Collection Agency and John Does 1-25, docket no. DC-005476-16, as filed in the Superior Court of New Jersey, Law Division, Special Civil Part for Ocean County ("the Action"), to the United States District Court for the District of New Jersey (Trenton), based upon the following:

1. On or about June 22, 2016 Plaintiff, Dovid Bender ("Plaintiff") filed the Action in the Superior Court of New Jersey, Law Division, Special Civil Part for Ocean County. A true and correct copy of Plaintiff's Complaint in the Action is attached hereto as Exhibit "A."
2. EOS CCA first received notice of the Action on or around July 6, 2016 when it was served with Plaintiff's Complaint.

3. Based on the foregoing, EOS CCA has timely filed this Notice of Removal within thirty days of being served with the Complaint and within thirty days of the date that the Action was first removable. See 28 U.S.C. § 1446(b).

4. The Action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court by EOS CCA pursuant to the provisions of 28 U.S.C. § 1441(b), in that Plaintiff has alleged that EOS CCA violated the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* and the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.*, thereby asserting claims that arise under federal law.

5. In that the causes of action alleged by Plaintiff arise from the performance of obligations of the parties within Ocean County, New Jersey, the United States District Court for the District of New Jersey (Trenton) should be assigned the Action.

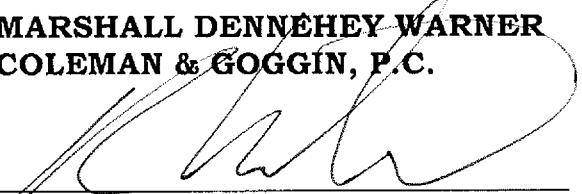
6. Pursuant to 28 U.S.C. § 1446(d), EOS CCA will file a copy of this Notice of Removal with the Clerk of the United States District Court for the District of New Jersey (Trenton), will file the Notice of Removal in the Superior Court of New Jersey, Law Division, Special Civil Part for Ocean County and will serve counsel for Plaintiff with a copy of this Notice of Removal.

WHEREFORE, Defendant, EOS CCA notifies this Court that this cause of action is removed from the Superior Court of New Jersey, Law Division, Special Civil Part for Ocean County to the United States District Court for the District of New Jersey (Trenton) pursuant to the provisions of 28 U.S.C. §§ 1331, and 1446.

Respectfully submitted,

**MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN, P.C.**

By:


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Attorneys for Defendant
EOS CCA

Dated: August 5, 2016

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CERTIFICATE OF SERVICE

I, Ronald M. Metcho, Esquire, do hereby certify that a true and correct copy of Defendant, EOS CCA's **Notice of Removal** was served upon the below-listed counsel for Plaintiff by U.S. mail on August 5, 2016:

Benjamin G. Kelsen, Esq.
Benjamin G. Kelsen, Esq., LLC
1415 Queen Anne Road, Suite 206
Teaneck, NJ 07666

**MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN, P.C.**

By:


RONALD M. METCHO
Attorneys for Defendant
EOS CCA